



Northampton License Commission Minutes of March 4, 2009

*Commissioners: Brad Shimel, Chair,
William Rosen, Andrew Shelffo*

Commission Chairman Brad Shimel opened the meeting at 4:00 P.M., in City Council Chambers, 212 Main Street, Northampton, on the following:

Commissioner Shimel welcomed Andrew Shelffo to the License Commission. Mr. Shelffo will serve March – June 2009, replacing Commissioner Stephanie Levin, who is away in India.

1. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

Greater Northampton Chamber of Commerce

Suzanne Beck, Director

Proposed Dates: March 4, 2009, April 16, 2009, May 6, 2009, July 1, 2009,
September 2, 2009 and October 7, 2009

Various locations and events – list to be provided with application

Suzanne Beck, Executive Director was present for the application. These events are coordinated with the Chamber of Commerce for business networking. Each event is held at different locations (attached). The first event is tonight.

Commissioner Shimel made the motion to approve the application; Commissioner Rosen seconded the motion. The vote passed unanimously (3-0).

2. APPLICATION FOR WEEKDAY ENTERTAINMENT LICENSE:

Bodacious Cowboy Dining d/b/a Side Street Café

42 Maple Street, Florence, MA 01062

Proposed Entertainment: Semi-Acoustic Jazz style music involving

No more than two musicians.

See attached letter from Anthony Patillo, Building Commissioner

Mr. Pat Shannon, owner/manager was present for the application. When questioned by the License Commission, Mr. Shannon stated that there would be guitar, no drums, some amplification provided by the musicians.

Catherine Robinson, 38 Maple Street, Florence spoke against the application and submitted a letter of her concerns (attached).

Loretta Gougeon, 15 West Center Street, Florence spoke against the application and submitted a letter of her concerns (attached).

Mr. Jason Graves, owner of the Bike Shop next to the applicant, stated that this establishment is a great restaurant. He does not believe this is a problem and the entertainment would be good for business. He believes this would benefit the community.

Mr. Fred Wellman, 9 West Center Street, Florence, read a letter from his wife against the application (attached). Mr. Wellman also gave his views against the application, and submitted an example of similar application and denial from Peoria, Illinois (attached). Mr. Wellman stated that truck noise, deliveries, and loud employees leaving the premises at 2 a.m. are examples of such nuisance.

Teri Anderson, Economic Development Coordinator for City of Northampton, encouraged the License Commission to grant the license. She stated that these difficult economic times and risk is reason to support the restaurant. This request is reasonable, and if there are neighbors who are concerned, Ms. Anderson is willing to help in consideration of restrictions to control nuisance concerns.

The Commission discussed the application. Mr. Shannon was asked specifically which days he was requesting: He stated that Monday or Tuesday or both days, from 6:00 p.m. to 9:00 p.m. would be his request. The windows do not open, and there is air-conditioning and only two doors in this establishment. The outdoor porch has eight seats and rails.

Upon further discussion, it was stated that restrictions will be imposed on this license, and citizens can come to the License Commission with complaints if they believe any violations of these restrictions do occur.

Commissioner Shimel made the motion to approve the Weekday Entertainment License with the following limited restrictions: To be conducted on Monday and Tuesday only between the hours of 6:00 p.m. and 9:00 p.m., all windows and doors must be closed. Commissioner Rosen seconded the motion. The vote passed unanimously (3-0).

3. APPLICATION FOR TRANSFER OF LICENSE:

Paul Milani and Christine Buchholz d/b/a Fresh Pasta Co.
TO: Liquid Edge, Inc. d/b/a VIVA Fresh Pasta
249 Main Street, Northampton, MA
No Changes in Manager, Assets or Location

The applicant was not present – The Clerk stated that she knows there has been a family member who is sick. The Clerk will contact the applicant. The application will be continued to the April 1, 2009 Northampton License Commission meeting.

4. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

The Rainbow Times & Pride Promotions

351 Pleasant Street, Northampton, MA 01060

Contact Person: Suzan Seymour

Proposed Date, Time, Event –

May 2, 2009 – 12:00 PM – 5:00 PM – LGBT Parade and Rally

Suzan Seymour was present to represent the application. The License Commission questioned Ms. Seymour regarding the setup: Ms. Seymour stated there would be a Beer Tent in the parking lot, with barricade, security, ID and wristband, and alcohol can only be consumed inside the tent. She estimates approximately 200 people visiting this tent, not all at once. She will have information of insurance and trained servers by the time of the event, and will provide to the Commission office.

Commissioner Rosen made the motion to approve the application; Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).

5. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

Academy of Music Theatre

274 Main Street

Northampton, MA 01060

Proposed Dates, Times, Events –

March 6, 2009 – 6:00 PM-11:00PM – Screening of Mamma Mia

March 13 and 14, 2009 – 6:00PM-11:00PM – Production of Three Penny Opera

A Fee Waiver is requested

Deborah Anthony was present to represent the application.

Commissioner Shimel made the motion to approve the application; Commissioner Rosen seconded the motion. The vote passed unanimously (3-0).

6. APPLICATION RECEIVED MARCH 3, 2009 –

APPLICATION FOR SHORT TERM WINE & MALT LIQUOR LICENSE

Commonwealth Center for Change

126 Main Street, Northampton

DATE AND TIME: MARCH 13, 2009 5:00-8:00PM

EVENT: COMMUNITY ART EVENT-NORTHAMPTON'S ARTS NIGHT

OUT AT THORNES MARKETPLACE, 150 Main Street, Northampton

Julia Handschuh, Program Coordinator for Commonwealth Center for Change was present to represent the application. Ms. Handschuh had an application only for the Insurance liability. This must be in effect before the license can be issued. Servers are

not yet secured for this event. Ms. Handschuh requested a fee waiver, as they are associated with the Center for the Arts.

Commissioner Rosen stated that fee waivers only apply to city agencies, such as the Academy of Music. The Center for the Arts is not a City agency.

Commissioner Rosen made the motion to approve the application WITH a fee, upon submission of Insurance and servers' information; Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).

7. VIOLATION HEARING – OSAKA JAPANESE, INC.

Date of Violation: JANUARY 14, 2009

Commissioner Shimel opened the Violation Hearing. Attorney Roger Lipton represented Osaka Japanese, Inc. The Violation was read by Commissioner Shimel. The client does not dispute the Violation.

Attorney Lipton asked that the Commission consider the clean record of Osaka Japanese, Inc. All servers have been instructed regarding checking of ID.

Commissioner Shimel stated that the business must take care and seriously address this issue. Serve Safe and TIPS training are not required, but are recommended.

Commissioner Rosen made the motion to close the hearing; Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).

Commissioner Shimel stated that the goal is to prevent service to minors. The license is a big part of the business, and steps must be taken to protect this. There is the opportunity to prove that steps have been taken to prevent this from happening in the future.

Commissioner Shimel made the motion to impose a two (2) day suspension, suspended for a period of six (6) months, and provided there are no further infractions, at the end of six months the suspension will not be imposed, with the recommendation that entire staff be Serve Safe or TIPS trained. Commissioner Shelffo seconded the motion. The vote passed unanimously (3-0).

8. VIOLATION HEARING – VERACRUZ FOODS, INC. D/B/A LA VERACRUZANA

Date of Violation: JANUARY 14, 2009

Commissioner Shimel opened the Violation Hearing and read the Violation. Present was Martin Carrera, owner, Sunia Hood, manager, Ana Diaz, server, and Linda Carrera, co-owner. The licensee does not dispute the Violation. This licensee holds a Seasonal license, and this was a good time to reflect. They were scheduled to attend Serve Safe on March 2, 2009, and that training was cancelled due to weather so they are scheduled for April training. The license was inadvertently taken off the wall, a mistake admitted by the owner.

Commissioner Shimel stated that the goal is to prevent this from happening again. It is good that the establishment has taken the initiative to have servers trained.

Heather Warner, SPIFFY Co-coordinator asked to be heard – in regards to all the violations- She stated that these compliance checks are done twice a year, so six months does not seem to be enough time to review. A year would be better suited to the compliance checks.

Officer Victor Caputo spoke to the Commission. He stated that there was difficulty in finding out who the manager was at that time. Someone needs to be available at all times when alcohol is served.

Mr. Carrera explained that there was a death in the family, and he was en route. He stated that the officer contacted him by phone, and was available. He stated there was nervousness among employees, and he offered to be there shortly. He stated that the officer told him his presence was not necessary at that time and that he could wait for the paperwork.

**Commissioner Rosen made the motion to close the Violation Hearing;
Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).**

Commissioner Shimel stated that this is another case of prevention of future occurrences. The comment about reviewing in a year is appreciated, but an establishment should be reviewing and addressing these issues within six months. The license must be displayed on the wall at all times.

Commissioner Shimel made the motion to impose a two (2) day suspension, suspended for a period of six (6) months, and provided there are no further infractions, at the end of six months the suspension will not be imposed, with the recommendation that entire staff be Serve Safe or TIPS trained. Commissioner Shelffo seconded the motion. The vote passed unanimously (3-0).

**9. VIOLATION HEARING – ANNMARLU, INC. D/B/A PINNOCCHIO'S
PIZZA BY THE SLICE**

Date of Violation: JANUARY 14, 2009

Commissioner Shimel opened the Violation Hearing and read the Violation. Luciano Mattarazzo, owner/manager was present. He must have his workers trained.

**Commissioner Shimel made the motion to close the Violation Hearing;
Commissioner Rosen seconded the motion. The vote passed unanimously (3-0).**

Commissioner Shimel stated the goal is to prevent service to minors. Businesses must take this very seriously, and Serve Safe or TIPS training is highly recommended.

**Commissioner Rosen made the motion to impose a two (2) day suspension,
suspended for a period of six (6) months, and provided there are no further
infractions, at the end of six months the suspension will not be imposed, with the
recommendation that entire staff be Serve Safe or TIPS trained. Commissioner
Shelffo seconded the motion. The vote passed unanimously (3-0).**

10. APPROVAL OF MINUTES – FEBRUARY 4, 2009

**Commissioner Rosen made the motion to approve the minutes of February 4, 2009;
Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).**

11. NEW BUSINESS:

The Clerk requests that the Northampton License Commission approve the renewal of the attached ten (10) Seasonal Liquor Licenses to renew April 1, 2009.

**Commissioner Shimel made the motion to approve the ten Seasonal Liquor
Licenses, with the condition of Item #10 (Bistro 186) must also pay 2008 Common
Victualler and Weekday Entertainment plus late fees due; Commissioner Rosen
seconded the motion. The vote passed unanimously (3-0).**

The Clerk updated the Commissioners on several items (attached).

The Commission instructed the Clerk to send notice to those on the Outstanding Licenses list to request their presence at the April 1, 2009 meeting. The Clerk should consult Janet Sheppard to know the limitations of the Commission in enforcement of payment when other real estate taxes are due or tax title liens are on the licensee.

The Clerk asked a question of the Commission. Mr. Moushabeck, of the Yellow Sofa, asked if he could make two payments or a payment plan, due to tough economic times. The Clerk suggested Mr. Moushabeck could speak with Teri Anderson, Economic Development Coordinator of the Mayor's Office.

Mr. Eric Suher was present and stated that he has had meetings with Captain Patenaude, Captain Koncas, and Chief Nichols to keep them informed of activities scheduled for the Calvin Theater. Mr. Suher now gives the Police Department a monthly schedule of the Calvin Theater.

ADJOURN

At 5:40 p.m., Commissioner Rosen made the motion to adjourn and was seconded by Commissioner Shimel. The vote passed unanimously (3-0).

NEXT MEETING APRIL 1, 2009

THE CHAMBER

The Greater Northampton Chamber of Commerce
99 Pleasant Street
Northampton, Massachusetts 01060
413 584 1900
Fax 413 584 1934
info@explore.northampton.com

February 26, 2009

To: City of Northampton License Commission
Re: Short Term Liquor License for the Greater Northampton Chamber of Commerce

We are respectfully filing for a Short Term Wine & Malt License application for the following Chamber networking events in 2009.

March 4, 2009 - Monthly *Arrive @ 5* gathering to be held in Thomes Marketplace at 150 Main Street, Northampton. The hosts of the event are Jackson & Connor and Impish. 5:00 - 7:00 PM

April 16, 2009 - The Northampton Area Young Professionals (a program of the Greater Northampton Chamber of Commerce) will hold an event at Cooley Dickinson Hospital. 6:00 - 8:00 PM

May 6, 2009 - Monthly *Arrive @ 5* gathering to be held at Clarke School for the Deaf at 47 Round Hill Road in Northampton. 5:00 - 7:00 PM

July 1, 2009 - Monthly *Arrive @ 5* event to be held at Allcroft Facial Plastic Surgery (163 Conz Street, Northampton) 5:00 - 7:00 PM

September 2, 2009 - Monthly *Arrive @ 5* event to be held at Dances with Dogs Day Care, Inc. (557 Easthampton Road, Northampton). 5:00 - 7:00 PM

October 7, 2009 - Monthly *Arrive @ 5* event to be held at the Greater Northampton Chamber of Commerce (99 Pleasant Street, Northampton) 5:00 - 7:00 PM

March 04, 2009

City of Northampton License Commission
City Council Chambers
212 Main Street
Northampton, MA

Members of License Commission:

My name is Catherine Robinson and I own my home at 38 Maple Street, Florence. I appear before you to ask that you deny the Weekday Entertainment Application of Bodacious Cowboy Dining D/B/A "Side Street Café on the following grounds.

Mr. Shannon has requested that semi-acoustic jazz style music, involving no more than two musicians be allowed. The background music that is present now is audible outside of the restaurant during the winter months. Semi-acoustic music needs a fine definition. Will this music be electronically amplified? If his entertainment license is granted, could it be stipulated that all windows and doors be closed so that the music does not disperse to the neighborhood. Perhaps sound proofing could be provided by Side Street.

What hours will the semi-acoustic music be played? The hours of operation for the restaurant are Monday to Thursday 11-8, Friday and Saturday 11-10. Sunday, Side Street is open for dinner only, perhaps 4 or 5 to 9. I have been seated after 8:30 P.M. during the early part of the week (Tuesday evening 01-27-09). On Friday, February 27, many patrons were at the bar and tables around the bar at 11:00 P.M., the reason for this knowledge, is that the happy noise of the patrons was heard in my home (on a cold February evening). Any additional hours will cause an unreasonable increase in the level of noise in this neighborhood.

In a letter from Mr. Shannon to Mr. Patillo, Mr. Shannon requests the entertainment license to draw more people in to eat on slower evenings. He also states that Side Street Café is a Restaurant. In Mr. Patillo's reply to the Northampton Liquor Commission he states that he has reviewed the application based on the location where the *acoustic* music will be performed and has no objection. Is the application for **semi-acoustic** or *acoustic* music? What will the amplification be?

My neighbor had the observation, as have I, that even on "slow" evenings, this area of Florence has more road and parking traffic than this neighborhood can handle. The increase in business would bring an unreasonable increase of vehicular traffic to the immediate, surrounding streets and homes ie: Maple Street, West Center Street, Middle Street). At the time of the original request in 2008, the license commission stated that parking was not a concern of the commission, however Chapter 140, Section 183 A, Paragraph 7, has regulations that do address unreasonable increase in traffic and number of vehicles to be parked around the premises.

In speaking with my neighbors (Maple Street as well as West Center Street) we have the following observations that we would like answered.

Is this to be a restaurant or entertainment center?

What hours will entertainment available?

Has the zoning issue been addressed as the restaurant grows?

Does the restaurant have defined hours?

How late may dinner, wine and beer be served on the porch?

The restaurant, as of March 04, 2009 has seating for thirty six (36) patrons in the Beer and wine bar area, and for thirty (30) in the counter, service area. Does the sprinkler system ordinance apply?

There are apartments above the restaurant, has the safety of the residents been addressed?

We have made these observations because, many of us do enjoy Side Street Café, but we were advised by Mr. Shannon that it was to be a neighborhood restaurant, with a take out case, faxed in, take out lunch business and abbreviated dining hours. His business plan seems to change quite frequently, and since he is part of a neighborhood community and is a generous contributor within the community, he should be forthcoming with his neighbors.

Please do not grant this license without thorough investigation of the above concerns.

Thank you,

Catherine Robinson
38 Maple Street
Florence, Massachusetts

March 4, 2009

Dear License Commission,

I am Loretta Gougeon of 15 West Center Street in Florence. I live 2 houses from the Side St Café, and have lived at this address for 20 years, and a life long resident of Florence. I have had a chance to review the application before you today for an entertainment license at the Cafe.

I know by the building commissioner's letter that he has weighed in on the requirements of the license and given his approval. I know a similar application came before you last year and was denied due to the bldg commissioners comments. I did call Mary to see what the reasons were, and there is some mention in the minutes, that it was due to fire issues, but no specific letter from the building commissioner was available. I did reach Mr. Patillo today and asked this question. He explained that he had gone over the requirements with the owner and said he would be doing unannounced check ins to see that the restaurant was not violating any laws of egress, fire safety or capacity.

I did comment at the last hearing about my concerns for my neighborhood, in regards to parking, noise and public safety and provided you with some photos, a day after this meeting I provided to you and the building commissioner information from a website that showed a musicians advertisement, this advertisement from the web went against the conditions of the commissions last intended approval.

In my opinion, the building commissioner has weighed in and has granted approval; although I did not discuss my view in regards to this being a change in use, night clubs, catering and take out require planning board approval in the GB district. I think the café is a combination of all, listing the restaurant, catering, take out and entertainment. Where is the line for planning board approval, secondary uses need to be taken into consideration, an example of an additional use requiring PB approval would be a pool table, or amusement arcade, but if all are secondary how is this determined.

Your intention last time was to approve the entertainment license, and it was only denied due to the building commissioners comments.

I would ask that you reconsider, or put specific conditions on your approval.

In reviewing the minutes, I saw that a possible condition could be an **automatic review**. And a condition that the license could be **revisited if the neighbors have legitimate complaints**.

There was discussion about all doors and windows being closed during performances, and the commission could **restrict that the doors and windows be closed**, During the summer this could cause a problem, when everyone has their windows open.

That the **hours of entertainment be specific** as to what times are allowed and what days. The application lacks specifics, the license for the premises is 8-11 mon-sat and sun 11-11 the last application was specific it said Monday from 6-9pm.

The neighborhood is full of kids and adults that have to go to school and work in the mornings.

That there is **no amplification to the music**. The application states no more than 2 musicians but is not specific enough, only says acoustic Jazz, it could be an electric guitar solo, I don't think it guarantees that it could not be something else, only what is intended at this time.

My greatest concern for the neighborhood is that the restaurant part of service will end at a reasonable hour, and then it will become a bar atmosphere with the addition of music. This is how the silk city bar in Florence center happened, it was a small bar and restaurant, Alexander's for many years, then they got an entertainment license and now it is happening night club.

This property abuts residential neighborhoods on 3 sides and is a heavy pedestrian route to Florence center with a small poorly designed parking area.

In the letter with the application the owner says he has no intention to make it into a concert venue. It is a restaurant. That is what I would like the license commission to protect, times change and business can slow, and maybe not intended today, but no one knows what circumstances will bring for the future.

I need to address a concern I have regarding the liquor license, the minutes reflect that this was discussed last time regarding the outdoor seating, soon summer will be here and the outdoor tables will be back on the porch. I have a twelve year old and many young adults hang out at the bike shop next door to the restaurant, the restaurants porch area is not protected by a railing. Someone could easily pick up an alcoholic drink from a table while walking by, I know the owner would not intentionally let this happen, but the possibility for trouble is very open, even byway of someone taking their drink with them to drive home, nothing is in place preventing this. Last time you said you could not discuss this because it was not before you. What is the process to get it before you?

Thank you for hearing and considering my comments while making your decision.

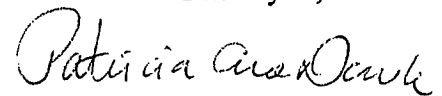
Tuesday, March 3, 2009

To the licensing commission:

Mr. Shannon is coming before you today to ask for an entertainment license. I, Patricia Daole, of 9 West Center St., Florence, MA, am asking you to deny him this license. Since the Side Street Cafe opened, we as neighbors have had to deal with many and substantial inconveniences. We already have traffic and parking problems. On numerous occasions, we have called the police due to our driveway being blocked and cars parked in the no-parking zone on West Center directly off of Maple St. It is often difficult to turn onto Maple due to cars in the Side Street Cafe parking lot blocking the view to the left. Traffic has increased on our street. There is a danger to the young children in the neighborhood who ride their bikes in the street.

We already have noise problems from customers shutting car doors, setting their car alarms, and talking in front of our home late at night. I am very concerned that the traffic and parking problems will only become worse. I saw that Mr. Shannon already had music recently, in January of this year, and the traffic was horrendous when this occurred. This was, for many years, a very quiet neighborhood, but since Side Street Cafe opened it has it is not quiet any more. Please, do not agree to let Mr. Shannon have this license.

Thank you,



Patricia Anne Daole
9 West Center Street
Florence, Ma 01062

www.ci.peoria.il.us/officials/clerk/Agenda/11439717
Establishes right to deny rezonance neighborhood impact

PEORIA, ILLINOIS

6-14-2005



REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council

From: Charles Randy Oliver
City Manager

AGENDA DATE REQUESTED: June 14, 2005

ACTION REQUESTED: Approve the site application for a Class B (restaurant) Liquor License for 2301 W. Garden, with recommendation to approve from the Liquor Commission. (District 1)

BACKGROUND: Natalie Salinas presented an application for a Class B (restaurant) Liquor License at the Liquor Commission held on June 6, 2005 for 2301 W. Garden. She stated that she and her husband planned to reopen Walt's Tavern, keeping the menu pretty much the same it had been for years. The Minutes of this meeting are attached.

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: Neighbors expressed concern about the hours and noise, but this was resolved by denial of the Subclass 2 (live entertainment) License.

IMPACT IF APPROVED: Walt's Tavern will be able to provide a full service bar along with food for their patrons.

IMPACT IF DENIED: Walt's Tavern will not be able to provide alcohol to their patrons.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

REQUIRED SIGNATURES

Department Director

Legal Department

Finance Director

(Certification of Availability of Funds)

Corporation Counsel

City Manager

Charles R. Oliver 6/9/05

05-5 **Salinas, Inc.**
 d/b/a Walt's Tavern
 2301 W. Garden
 Requesting: Class B (restaurant)
 Subclass 2 (live entertainment)

Natalie Salinas presented an application for a Class B (restaurant) Liquor License with a Subclass 2 (live entertainment) license for 2301 W. Garden.

Ms. Salinas stated her husband was a chef and they were working with the Meinerts (the former owners) to keep the menu pretty much the same as when Walt's was previously open. She said they did plan to add a kid's menu and some Mexican dishes.

Ms. Salinas indicated they planned to be closed on Monday, open from 4:00 p.m. until 11:00 p.m. on Tuesday through Thursday, until 12:00 midnight on Friday and Saturdays, and until 9:00 p.m. on Sundays. She also said they planned to be open for lunch on the weekends.

Ms. Salinas indicated that the Meinerts were planning on fixing the dumpster area to bring everything up to code for the Inspections Department before they open for business.

Officer Pyatt explained that the first step was the recommendation to the City Council for site approval from the Commission. After the site application was granted by the Council, the second step was the submission of the actual liquor license and then background investigations were done.

Fire Investigator Sepp said there were a couple of small items such as exit and emergency lights that needed to be replaced, but that would not hold up the liquor license process. Before they actually open for business, however, he would do a complete check to see that everything was up to safety code.

In response to some neighbors expressing concern about the noise and the hours Walt's would be open, Ms. Salinas reassured them that it would be very similar to the way the Meinerts had run Walt's Tavern for all the years they had been open. She said they also planned to add security cameras on the side of the building and request that the City fix the street light outside their building for added safety.

In further discussion, Chairman McCabe stated that the Police Department recommended denial of the live entertainment license because this was a residential area that was in transition and on the rebound, and they felt that the addition of noise created from live entertainment would serve to aggravate an already depressed area.

Ms. Salinas stated they were requesting live entertainment for karaoke or a small mariachi band once a month. She stated they didn't want loud music and there was not enough room to put a band. She requested they consider allowing live entertainment with the stipulation that they have only karaoke.

In discussion with Chairman McCabe, Attorney Williams stated that the Subclass license stayed with the property and if a new applicant would take over the property within 12 months of Ms. Salinas closing her business, they could use the Subclass license and have any kind of live entertainment they chose to have.

Liquor Investigator Pyatt stated that the Police Department was recommending denial of the Subclass live entertainment license because of what might happen in the future with that property. He reiterated that once site approval is attained, that site travels and the next business might not have such responsible owners.

Commissioner Arndt stated that another establishment had requested having karaoke only and had been denied by the Liquor Commission.

Hearing no further questions or comments, Chairman McCabe called for the vote.

- A motion was made by Commissioner Arndt to approve the application for a Class B (restaurant) Liquor License for 2301 W. Garden, and to deny the application for the Subclass 2 (live entertainment) license.

~~Yeas: Arndt, Vonachen, McCabe - 3.~~
Nays: 0.

Chairman McCabe explained that this recommendation would be heard by the City Council at their meeting on Tuesday, June 14, 2005 and that a representative of this establishment should be present at that meeting.

UPDATE TO NORTHAMPTON LICENSE COMMISSION

From: Mary L. Midura, Executive Secretary

March 4, 2009

Joe Giarusso, JMG Consultants for Serve Safe Alcohol Classes, phoned me on March 2, 2009 at 10:20am – The Serve Safe class for March 2, 2009 was cancelled due to snow. He wanted to inform the License Commission that La Veracruzana and Paradise City both had servers signed up to take the classes. Next class is April 8, 2009.

JTK Enterprises, Inc. – Pledge of License approved in December 2008 by License Commission has been returned DISAPPROVED – FAILURE TO COMPLY WITH MASS TAX LAWS. I have contacted Attorney Cropsey. His office must contact MASS DOR to clear up this matter. Once cleared, we must resubmit for reconsideration to ABCC.

261 King Street – I called Attorney Etheredge today to ask the status of this. He returned my call this afternoon. He will deliver the documents to Transfer the license from Hunan Gourmet to his client. The annual All Alcohol Restaurant License #69-09 is still at my office (paid on November 19, 2008 for renewal). I will place a Legal Ad and put this on the April 1, 2009 agenda.

Freedom Post 28, Inc. d/b/a American Legion – Transfer of License was approved and received from ABCC. I changed all information to CLUB license and licensee as Freedom Post 28, Inc. d/b/a American Legion and mailed new license to establishment on March 3, 2009.

I sent for and received a signature stamp for Andrew Shelffo. Total cost submitted to city was \$17.50.

I added Andrew Shelffo to CORI as a submitter. This is still pending as of March 4, 2009.

I attended CORI Training in Concord, MA on February 25, 2009. Training is now mandatory, and I am now certified for two years. This training was very helpful, and now I have information to proceed correctly.

See attached Outstanding List – many have been cleared since February meeting! I am asking for direction from the Commission on how to proceed. Several of these are in Tax Title or have Real Estate Taxes Due.

OUTSTANDING LICENSES AS OF MARCH 4, 2009

DATE	PARCEL NUMBER	BILL NUMBER	NAME	LICENSE TYPE	AMOUNT	DATE COLLECTED, PAID OR ABATED
1/27/09	11C-056-001	105-09	a New Look Inc. d/b/a Look Restaurant 2007 & 2008 DUE	Common Vic	\$40.00	REAL ESTATE TAXES DUE
	31D-161-001	113-09 260 (2008)	Bistro 186	Common Vic	2008 = \$35.00	PAID 2009, MIXUP AT TAX COLLECTOR, DID NOT PAY 2008, I SENT NEW LETTER
	31D-161-001	405-09 436 (2008)	Bistro 186	Weekday Entertainment	2008 = \$75.00	PAID 2009, MIXUP AT TAX COLLECTOR, DID NOT PAY 2008, I SENT NEW LETTER
	32C-005-001	137-09	Good & Healthy d/b/a Bueno Y Sano	Common Vic	\$40.00	Postcard Sent 2/4/09
		154-09	Luna Pizza	Common Vic	\$40.00	Postcard Sent 2/4/09
	24C-029-001	187-09 222-08	Samantha Ross d/b/a Sam's Café 2008 Due	Common Vic	\$40.00 2008 - \$35.00 + late fees	Postcard Sent 2/4/09
	32C-166-001	416-09 409-07	Jamie Corp. d/b/a Silent Cal's Café 2007 DUE	Weekday Entertainment	\$80.00 2007 - \$75.00 + late fees	PAID 409-07 ON 12/2/08 - OWES TAX TITLE
	32C-166-001	649-07 and 650-07	Jamie Corp d/b/a Silent Cal's Café	Auto Amusement Devices	\$50 each + late fees	PAID 12/2/08 - OWES TAX TITLE
		807-09	Matthew & Lisa Golob d/b/a EZ Rider Motorsports	Class I Auto Dealer	\$200.00	Postcard sent 2/9/09
	38C-080-001	828-09	Rayond Learned d/b/a Affordable Used Cars	Class II Auto Dealer License	\$175.00	Paid - Check bounced - letter sent 2/2/09
		838-09	d/b/a 1812 Paint & Auto Body	Class III Auto Dealer	\$150.00	LICENSE HELD FOR TAXES DUE

Update of Annual Liquor Licenses – Thank you to Anthony Patillo, Building Commissioner and Shawn Denkiewicz, Fire Safety Inspector – Thirteen (13) licensees were issued temporary certificates in December 2008 which expired on March 2, 2009:

- Brewster Court Bar & Grill
- Paradise City Tavern
- Pizzeria Paradiso
- Calvin Theater Café
- Northampton Country Club
- Joe's Café
- Tully O'Reilly's and The Elevens
- Spare Time Northampton
- The Office
- India House
- Florence Pizza and Family Restaurant
- Soora Restaurant
- Zen Restaurant *

*All have been re-inspected and all but one has been issued completed Certificates of Inspection and liquor licenses to expire December 31, 2009. Zen Restaurant has a temporary certificate and license to expire April 1, 2009, as the manager has called the Building Commissioner to set up a re-inspection. The re-inspection is now scheduled for Friday, March 6, 2009.

Seasonal Liquor Licenses – Anthony Patillo and Shawn Denkiewicz are presently working on inspections for the Seasonal Liquor Licenses:

- Hampshire, Franklin & Hampden Agricultural Society-Beer Hall – Inspection Complete
- Hampshire, Franklin & Hampden Agricultural Society- Infield – Inspection Complete
- Taipei & Tokyo Restaurant
- 26-28 Center Street, LLC – Eric Suher
- Pine Grove Golf Club
- La Veracruzana
- Siam Square – Inspection Complete
- Look Park – Pines Theater – Inspection Complete
- The Yellow Sofa
- Bistro 186

Four are already done! Mr. Patillo and Mr. Denkewicz have done an excellent job!